

# EXHIBIT 11

Dr. Richard Lee June 6, 2003

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1 IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
2 DISTRICT OF DELAWARE

3  
4 IN RE:

5  
6 W.R. GRACE, et al.,  
7 Debtors.

Chapter 11  
01-01139 (JKF)

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DEPOSITION OF: DR. RICHARD J. LEE

DATE: June 6, 2003  
Friday, 9:17 a.m.

LOCATION: REED SMITH, LLP  
435 Sixth Avenue  
Pittsburgh, PA 15219  
412-288-3131

TAKEN BY: Claimants

REPORTED BY: G. Donavich, RPR, CRR  
Notary Public  
AKF Reference No. 75810

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1 Q. Okay. It looks like the analysis -- it appears  
2 the analysis was done by PLM using the EPA  
3 method of the determination of asbestos in bulk  
4 building materials?

5 A. Correct.

6 Q. Looks like, also, that the analyst measured  
7 both the amount of asbestiform tremolite and  
8 also the amount of cleavage fragments. Is that  
9 correct?

10 A. In the coarse, yes.

11 Q. Is this a weight percent measurement that was  
12 done?

13 A. Yes.

14 Q. Okay. And the results are reported on Page 4  
15 for the asbestiform amphiboles. Is that  
16 correct?

17 A. That's correct.

18 Q. And the results were as high as 2.59 percent of  
19 asbestiform amphiboles. Is that correct?

20 A. That's correct.

21 Q. That's for an entire sample for all different  
22 layers of the sample?

23 A. Correct.

24 Q. In fact, the samples, top, middle, and bottom,  
25 the amount, the total amount of asbestiform

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1 measurements and see.

2 Q. You expect to see some variation when you're  
3 sampling for asbestos from one location to  
4 another side by side. Correct?

5 A. There's natural variation, because you're  
6 counting small quantities of fibers.

7 Q. You also are rendering opinions regarding dust  
8 testing. Correct?

9 MR. RESTIVO: Do you have a --

10 THE WITNESS: Are you changing gears  
11 here?

12 BY MR. TURKEWITZ:

13 Q. A little bit. I'm going to go through this  
14 real quick.

15 A. Yeah. As a general proposition.

16 Q. Do you agree that dust testing can be used to  
17 determine the presence or absence of asbestos  
18 on a surface?

19 A. Sure.

20 Q. Do you agree that dust testing can also be used  
21 to determine the source of the asbestos on that  
22 surface?

23 A. At least in some cases.

24 Q. In this case when you were dealing with Libby  
25 amphiboles, you could determine that. Correct?

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1 A. Most likely.

2 Q. Are you aware that EPA used the ASTM dust test  
3 method for sampling dust at Libby?

4 A. Yep.

5 Q. And you're aware that EPA used it as a  
6 decision-making tool to determine whether or  
7 not it was asbestos in dust in homes with ZAI?

8 A. You'd have to ask EPA that. I don't know that  
9 answer.

10 Q. Are you aware that they used the ASTM dust test  
11 method in homes where Libby miners once worked  
12 to determine the presence of asbestos in those  
13 homes?

14 A. I don't know.

15 Q. Are you aware that EPA used the indirect method  
16 for air sampling?

17 A. Yeah, in some cases.

18 Q. In what cases did they use the indirect method?

19 A. It's a little bit hard to tell. I don't know  
20 exactly. The protocol said not to use it.

21 Q. And, Dr. Lee, you have performed dust testing,  
22 have you not?

23 A. Sure.

24 Q. Your laboratory has analyzed dust samples on  
25 behalf of clients. Correct?

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1 Start counting stuff for a screening  
2 method for between twenty-five and  
3 twenty-five-to one aspect ratio, less than a  
4 half micron in diameter in bundles, and you'll  
5 get -- you'll develop a viable screening  
6 procedure for asbestos.

7 MR. RESTIVO: That's all I have.

8 - - - -

9 RE-EXAMINATION

10 - - - -

11 BY MR. TURKEWITZ:

12 Q. Dr. Lee, you were just talking about dust  
13 testing that your company is doing. How many  
14 dust samples have you analyzed in the last year  
15 for building owners?

16 A. I don't know the answer.

17 Q. Hundreds?

18 A. Oh, I would think so, yeah.

19 Q. You would think so?

20 A. Yes.

21 Q. Thousands?

22 A. I doubt thousands, but --

23 Q. Hundreds?

24 A. Yes.

25 Q. Now, the cases that Mr. Restivo was talking

# EXHIBIT 12

0624343 02302834

CCM

7/20/04  
del orally at the  
meeting 4-4-77

R.C. Evers

CC - Word

Re. MSDS for Vermiculite  
Coverlet + Insulated Blanket

I have reviewed the Dept Report  
for MSDS for vermiculite coverlets  
and finished products and have the  
following comments

(a) Reference to Regulation 1910.93.  
~~the section~~ should be deleted. The  
has the designation given to the  
OSHA standard before it  
was revised. The ~~designation~~  
proper designation is to 1910.10.  
and the reference should be used  
throughout.

~~I indicated the~~  
~~that~~ ~~the~~ ~~percent~~  
~~that~~

(b) I indicated that the reason  
for ~~indicate~~ ~~is to~~ to indicate  
the percent ~~that~~ by weight  
of vermiculite content is to give the  
recipient ~~some knowledge~~  
~~that~~ the indication that  
he is not giving a product containing  
commercial vermiculite and that the  
~~commercial vermiculite~~ vermiculite content







0624346

02302837

As indicated above I ~~do not~~  
~~see any~~ do not recall the  
inclusion of a statement relating to  
present content of ~~the~~ ~~document~~  
mentioned.

(d) I suggest the H.A. Schult  
be added to QPD's MSDS  
review process.

O. M. F.

CCM

These \_\_\_\_\_  
del. orally at Fiber  
meeting 4-8-77

R. C. Ericson  
CC: Wood

Re: MSDS for Vermiculite  
Concentrate & Finished Products

I have reviewed the Draft Proposal for MSDS for vermiculite concentrated ore finished products and have the following comments:

(a) References to Regulation 1910.93A should be deleted. This was the designation given to the OSHA asbestos standard before it was verified. The proper designation is to 1910.1001 and this reference should be used throughout.

(b) I understand that the reason for wanting to indicate the percent by weight of tremolite content is to give the recipient the indication that he is not giving a product containing commercial asbestos and that the tremolite asbestos

**PAGE 2**

contaminant content is low. However, I think that this could be construed as an invitation for the recipient to believe that because the percent tremolite asbestos content is low that the amount of tremolite asbestos fiber released in handling the product can be assumed to be less than this prescribed by the asbestos standard. As you know, respirable tremolite asbestos fibers are light and countless numbers may be present even though the percent by weight is low. A knowledgeable person could on this basis become overly concerned if he were informed that as in the case of Libby #2 ore std at it contained 2.5% tremolite asbestos mineral. Accordingly, I

would recommend that such statement be deleted. OSHA standard 1910.1001 regulates airborne fiber concentrations and that should be the recipient's concern.

**SIDE ENTRY**

In addition because the tremolite content of the ore body may vary one could expect that the percent asbestos tremolite content of the ore concentrate to vary so that unless the percent stated when high enough to cover all contingencies the MSDS from time to time could be in fact inaccurate.

**PAGE 3**

(c) I note that the asbestos standard 1910.1001 is not mentioned in the proposed MSDS data sheet for Kearney ore. I believe that reference should be made to this standard since from time to time pockets of of Allen ore are mined in South Carolina which have a tremolite asbestiform content. Further your statement that "the dust has a negligible "asbestos fiber" (less than 0.5% by weight) fraction." seems confusing. As indicated above a 0.5% tremolite asbestos fiber content could be significant because respirable fibers are light. In fact, if I understand your data correctly, the total tremolite content of both platy and asbestiform of South Carolina ore could be as high as 10%. I believe that a statement that the tremolite asbestiform mineral content of the Kearney ore is less than 0.5% by weight would be more accurate. However

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as I indicated above I do not recommend inclusion of a statement relating to percent content of tremolite asbestosform mineral.

(d) I suggest that H. A. Eschenbach be added to CPD's MSDS review process.

O. M. F.